

Proposed technical correction:

**SECTION \_\_\_.(a)** G.S. 89F-20 reads as rewritten:

**§ 89F-20. Disciplinary procedures.**

(a) The Board may, consistent with the provisions of Chapter 150B of the General ~~Statutes, Statutes~~, refuse to grant or to renew, suspend, or revoke the license of any person licensed under this Chapter who:

- (1) Violates the provisions of this Chapter or a rule adopted by the Board.
- (2) Has been convicted of a misdemeanor under this Chapter.
- (3) Has been convicted of a felony.
- (4) Has been found by the Board to have engaged in unprofessional conduct, dishonest practice, incompetence, fraud or deceit in obtaining a license, or who aids another person who obtains or attempts to obtain a license by fraud or deceit.

(b) In lieu of revoking a license, the Board may enter a probationary order and assess a civil penalty not to exceed one thousand dollars (\$1,000). In determining the amount of a penalty under this section, the Board shall consider the following factors:

- (1) The degree and extent of harm to the natural resources of the State, to the public health, or to private property resulting from the violation.
- (2) The duration and gravity of the violation.
- (3) The effect on water quality.
- (4) The cost of rectifying the damage.
- (5) The cost to the State of enforcement procedures.
- (6) The prior record of the violator in complying or failing to comply with this Chapter or a rule adopted pursuant to this Chapter. (1995, c. 414, s. 1.)

**SECTION \_\_\_.(b)** G.S. 89G-5 reads as rewritten:

**§ 89G-5. Powers and duties.**

The Board shall have the following powers and duties:

- (1) To administer and enforce the provisions of this Chapter.
  - (2) To adopt, amend, or repeal rules to carry out the provisions of this Chapter.
  - (3) To examine and determine the qualifications and fitness of applicants for licensure and licensure renewal.
  - (4) To issue, renew, deny, restrict, suspend, or revoke licenses.
  - (5) To reprimand or otherwise discipline licensees under this Chapter.
  - (6) To receive and investigate complaints from members of the public.
  - (7) To conduct investigations to determine whether violations of this Chapter exist or constitute grounds for disciplinary action against licensees under this Chapter.
  - (8) To conduct administrative hearings in accordance with Chapter 150B of the General ~~Statutes, Statutes~~.
  - (9) To seek injunctive relief through any court of competent jurisdiction for violations of this Chapter.
  - (10) To collect fees required by G.S. 89G-10 and other monies permitted by law to be paid to the Board.
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- (11) To require licensees to file and maintain an adequate surety bond or letter of credit.
- (12) To establish and approve continuing educational requirements for persons licensed under this Chapter.
- (13) To employ a secretary-treasurer and any other clerical personnel the Board deems necessary to carry out the provisions of this Chapter and to fix compensation for employees.
- (14) To maintain a record of all proceedings conducted by the Board and make available to licensees and other concerned parties an annual report of all Board actions.
- (15) To adopt and publish a code of professional conduct and practice for all persons licensed under this Chapter. The code shall establish minimum standards for water conservation in the practice of irrigation construction and contracting.
- (16) To publish a list of irrigation best management practices to be followed by licensed irrigation contractors.
- (17) To adopt a seal containing the name of the Board for use on licenses and official reports issued by the Board. (2008-177, s. 1; 2013-383, s. 3.)

**SECTION \_\_\_\_.(c)** G.S. 106-1041 reads as rewritten:

**§ 106-1041. Statement of purpose and authorization.**

The North Carolina Department of Agriculture and Consumer Services is authorized to aid and assist agricultural operations and landowners in the preparedness for, response to, and recovery from agricultural emergencies. This authorization is given separate and apart from the authorities authorized by Chapter 166A of the General Statutes and shall not require declaration of a state of emergency pursuant to G.S. 166A-19.20 for its implementation. In the event of a state of emergency declaration and where this Article is inconsistent with the provisions of Chapter 166A of the General Statutes, the provisions of Chapter 166A of the General ~~Statues~~ Statutes shall control as to the areas covered under the declaration. The Board of Agriculture may adopt rules necessary for the implementation and administration of this Article. (2016-113, s. 2(a).)

Explanation: corrects erroneous references to the "General Statues". In each case, the error was in the enacting session law.

- referred by Kory Goldsmith

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